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10 **Attorneys for Plaintiffs**
11 **J & J Sports Productions, Inc.**

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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **OAKLAND DIVISION**

16 **J & J SPORTS PRODUCTIONS, INC.,**

17 **CASE NO. 3:10-cv-01874-SBA**

18 **Plaintiff,**

19 **vs.**

20 **JAMES A. DAILEY, et al.**

21 **PLAINTIFF'S EX PARTE**
22 **APPLICATION FOR AN ORDER**
23 **VACATING THE CASE**
24 **MANAGEMENT CONFERENCE; AND**
25 **ORDER (Proposed)**

26 **Defendant.**

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28 **TO THE HONORABLE SAUNDRA BROWN ARMSTRONG, THE DEFENDANT, AND**
29 **HIS ATTORNEYS OF RECORD:**

30 Plaintiff J & J Sports Productions, Inc. hereby applies *ex parte* for an order vacating the Case
31 Management Conference in this action, presently set for Thursday, September 9, 2010 at 3:15 p.m. This
32 request will be, and is, necessitated by the fact that defendant James A. Dailey, individually and d/b/a
33 Golden Bear Sports Bar a/k/a The Dapper Sports Bar is in default and Plaintiff's Application for
34 Default Judgment will soon be filed with this Honorable Court.

35 As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive
36 pleading from the defendant. As a result, Plaintiff's counsel has not conferred with the defendant
37 concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the
38 case itself or the preparation of a Case Management Conference Statement.

1 **WHEREFORE**, Plaintiff respectfully requests that this Honorable Court vacate the Case
2 Management Conference presently scheduled for Thursday, September 9, 2010 at 3:15 p.m. in order that
3 Plaintiff and its counsel may avoid necessary fees and costs in this matter presently pending final
4 disposition by virtue of Plaintiff's Application for Default Judgment by the Court.

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7 Respectfully submitted,

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Dated: August 19, 2010

/s/ Thomas P. Riley

11 **LAW OFFICES OF THOMAS P. RILEY, P.C.**

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By: Thomas P. Riley

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Attorneys for Plaintiff

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J & J Sports Productions, Inc.

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ORDER (Proposed)

~~It is hereby ordered that the Case Management Conference in civil action number 3:10-cv-01874-SBA styled *J & J Sports Productions, Inc. v. James A. Dailey, et al.*, is hereby vacated.~~

The Case Management Conference is CONTINUED from September 9, 2010 to **January 12, 2011 at 2:30 p.m.** The parties shall meet and confer prior to the conference and shall prepare a joint Case Management Conference Statement which shall be filed no later than five (5) days prior to the Case Management Conference that complies with the Standing Order for All Judges of the Northern District of California and the Standing Order of this Court. Plaintiff shall be responsible for filing the statement as well as for arranging the conference call. All parties shall be on the line and shall call (510) 637-3559 at the above indicated date and time.

Plaintiff shall also serve a copy of this Order on the Defendants and thereafter file a Certification of Service of this Order with the Clerk of the Court.

This Order terminates Docket 15.

IT IS SO ORDERED:

Sandra B Armstrong

Dated: 8/19/10

**The Honorable Saundra Brown Armstrong
United States District Court
Northern District of California**

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